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8   UNITED STATES DISTRICT COURT

9   EASTERN DISTRICT OF CALIFORNIA

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11   FRANKLIN BARRIOS,   Case No. 1:20-cv-01234-DAD-JLT (PC)

12   Plaintiff,   **ORDER DISCHARGING ORDER TO
                                                  SHOW CAUSE AND GRANTING MOTION**
13   v.   **FOR EXTENSION OF TIME**

14   TORRES, et al.,   (Docs. 12, 14)

15   Defendants.   30-DAY DEADLINE

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17   On April 28, 2021, the Court issued a screening order finding that Plaintiff's complaint

18   fails to state a claim on which relief can be granted. (Doc. 9.) The Court directed Plaintiff to file a

19   first amended complaint curing the deficiencies in his pleading or a notice of voluntary dismissal

20   within 21 days. (*Id.* at 6-7.) On May 19, 2021, the Court granted Plaintiff an extension of time to

21   file an amended complaint. (Doc. 11.) Plaintiff failed to comply with the screening order within

22   the time provided. Therefore, on July 12, 2021, the Court issued an order to show cause why this

23   action should not be dismissed. (Doc. 12.) On July 29, 2021, Plaintiff filed a response to the order

24   to show cause and a motion for a 30-day extension of time to file an amended complaint. (Docs.

25   13-14.)

26   Good cause appearing, the Court DISCHARGES its order to show cause (Doc. 12) and

27   GRANTS Plaintiff's second motion for an extension of time (Doc. 14). **Within 30 days** of the

28   date of service of this order, Plaintiff shall file a first amended complaint curing the deficiencies

identified in the Court's screening order (Doc. 9) or, in the alternative, a notice of voluntary dismissal. **Failure to comply with this order will result in a recommendation, without further notice, that this action be dismissed for failure to state a claim and to obey court orders.**

IT IS SO ORDERED.

Dated: **August 1, 2021**   **/s/ Jennifer L. Thurston**
CHIEF UNITED STATES MAGISTRATE JUDGE